

§ 372.113

(7) The total charges collected,
 (8) A copy of all leases executed by the cooperative association or federation of cooperative associations to obtain equipment to perform transportation under 49 U.S.C. 13506(a)(5),
 (9) Whether the transportation performed is:

- (i) Member transportation,
- (ii) Nonmember transportation for nonmembers who are farmers, cooperative associations, or federations thereof,
- (iii) Other nonmember transportation, and if of class (iii), how the transportation was incidental and necessary as defined in § 372.109(a).

[43 FR 2397, Jan. 17, 1978, as amended at 45 FR 45524, July 3, 1980; 62 FR 38036, July 16, 1997; 62 FR 49940, Sept. 24, 1997]

§ 372.113 [Reserved]

§ 372.115 Commodities that are not exempt under 49 U.S.C. 13506(a)(6).

49 U.S.C. 13506(a)(6) provides an exemption from regulation for motor vehicles used in carrying ordinary livestock, fish, and unmanufactured agricultural commodities. Certain specific commodities have been statutorily determined to be non-exempt. Administrative Ruling No. 133, which is reproduced below, is a list of those commodities that are non-exempt by statute.

ADMINISTRATIVE RULING NO. 133

LIST OF COMMODITIES THAT ARE NOT EXEMPT BY STATUTE UNDER 49 U.S.C. 13506(a)(6)

Animal fats

Butter

Canned fruits and vegetables

Carnauba wax as imported in slabs or chunks

Cattle, slaughtered

Charcoal

Cheese

Coal

Cocoa beans

Coffee, beans, roasted, or instant

Copra meal

Cotton yarn

Cottonseed cake or meal

Diatomaceous earth

Dinners, frozen

Feeds:

- Alfalfa meal
- Alfalfa pellets
- Beet pulp
- Bran shorts
- Copra meal
- Corn gluten

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Distilled corn grain residues, with or without solubles added

Fish meal

Hominy feed

Middlings

Pelletized ground refuse screenings

Wheat bran

Wheat shorts

Fertilizer, commercial

Fish:

Canned or salted as a treatment for preserving

Cooked or partially cooked fish or shrimp, frozen or unfrozen

Hermetically sealed in containers as a treatment for preserving

Oil from fishes

Preserved, or treated for preserving, such as smoked, salted, pickled, spiced, corned or kippered

Flagstone

Flaxseed meal

Flour

Forest products:

Resin products, such as turpentine

Fruits and Berries:

Bananas, fresh, dried, dehydrated, or frozen

Canned

Frozen

Hulls of oranges after juice extractions

Juice, fruit, plain or concentrated

Pies, frozen

Preserved, such as jam

Purees, strawberry and other, frozen

Grains:

Oils extracted from grain

Popcorn, popped

Rice, precooked

Wheat germ

Gravel

Hair, hog or other animal, product of slaughter of animal

Hay, sweetened with 3 percent molasses by weight

Hemp fiber

Hides, green and salted

Insecticides

Limestone, agricultural

Livestock:

Monkeys

Race horses

Show horses

Zoo animals

Lumber, rough sawed or planed

Maple syrup

Meal:

Alfalfa

Copra

Cottonseed

Fish

Federal Highway Administration, DOT

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Flaxseed
Linseed
Peanut
Soybean
Meat and meat products, fresh, frozen or canned
Milk and Cream:
Chocolate
Condensed
Sterilized in hermetically sealed cans
Molasses
Nuts (including peanuts):
Peanut meal
Roasted or boiled
Oil, mint
Oil, extracted from vegetables, grain, seed, fish or other commodity
Pelts
Pies, frozen
Pigeons, racing
Pulp, beet
Pulp, sugar cane
Rock (except natural crushed, vesicular rock to be used for decorative purposes)
Rubber, crude, in bales
Rubber, latex, natural, liquid, from which water has been extracted and to which ammonia has been added
Sand
Seeds:
Oil extracted from seeds
Skins, animal
Soil, potting
Soil, top
Soup, frozen
Sugar
Sugar cane pulp
Sugar raw
Syrup, cane
Syrup, maple
Tea
Tobacco:
Cigars and cigarettes
Homogenized
Smoking
Top Soil
Trees:
Sawed into lumber
Vegetables:
Candied sweet potatoes, frozen
Canned
Cooked
French fried potatoes
Oil, extracted from vegetables
Soup, frozen
Soybean meal
Wool imported from a foreign country
Wool tops and noils
Wool waste (carded, spun, woven, or knitted)
Wool yarn

Note 1: Under 49 U.S.C. 13506(a)(6)(D), any listed fish or shellfish product that is not intended for human consumption is *exempt*.

Note 2: Under 49 U.S.C. 13506(a)(6)(E), any listed livestock feed, poultry feed, agricultural seeds, or plants that are transported to a site of agricultural production or to a business enterprise engaged in the sale to agricultural producers of goods used in agricultural production is *exempt*.

[53 FR 17707, May 18, 1988, as amended at 62 FR 15421, Apr. 1, 1997]

§ 372.117 Motor transportation of passengers incidental to transportation by aircraft.

(a) *Passengers having an immediately prior or subsequent movement by air.* The transportation of passengers by motor vehicle is transportation incidental to transportation by aircraft provided (1) that it is confined to the transportation of passengers who have had or will have an immediately prior or immediately subsequent movement by air and (2) that the zone within which motor transportation is incidental to transportation by aircraft, except as it may be individually determined as provided in section (c) herein, shall not exceed in size the area encompassed by a 25-mile radius of the boundary of the airport at which the passengers arrive or depart and by the boundaries of the commercial zones (as defined by the Secretary) of any municipalities any part of whose commercial zones falls within the 25-mile radius of the pertinent airport.

(b) *Substituted motor-for-air transportation due to emergency conditions.* Transportation of passengers by motor vehicle is transportation incidental to transportation by aircraft if it constitutes substituted motor-for-air service performed at the expense of the air carrier in emergency situations arising from the inability of the air carrier to perform air transportation due to adverse weather conditions, equipment failure, or other causes beyond the control of the air carrier.

(c) *Individual determination of exempt zones.* Upon its own motion or upon petition filed by any interested person, the Secretary may in an appropriate proceeding, determine whether the area within which the transportation by motor vehicle of passengers having an immediately prior or subsequent